BTEC Assignment Brief

Qualification	Pearson BTEC Level 3 International Subsidiary Diploma in Business Pearson BTEC Level 3 International Foundation Diploma in Business Pearson BTEC Level 3 International Diploma in Business Pearson BTEC Level 3 International Extended Diploma in Business
Unit number and title	**Unit 42: Aspects of UK Civil Liability Affecting Business**
Learning aims	**A:** Examine the elements of negligence in order to establish liability **B:** Examine the elements of vicarious and occupiers' liability in order to establish liability
Assignment title	Giving advice on negligence, and vicarious and occupiers' liability
Assessor	
Issue date	
Hand in deadline	

Vocational Scenario or Context	You have begun working in the civil litigation department of a local Solicitor's office as a trainee legal executive. One client of the Solicitors is a large company known as *Blocks, Box and Sales*. It has a building division and a wholesale food division. The managing director has recently visited the Solicitors for advice and your supervisor has instructed you to research the elements of the tort of negligence, together with vicarious and occupiers' liability in the context of these case scenarios to establish liability and to provide advice to the client: Mark aged 26, is a welder with *Blocks, Box and Sales*, building division. Despite wearing the work-supplied goggles, he gets shards of metal in his eye while welding machinery. He is transferred to hospital as soon as possible, where he undergoes an operation to remove the metal. Unfortunately, it is the surgeon's first operation, and the operation results in Mark losing the sight in his eye. Peter (18) is a labourer working for *Blocks, Box and Sales*, building division. He takes his friend Bob (15) to a site owned by the company one evening to show him where he works and the progress of the building work. Although there is safety fencing at the entrance to the site, Peter takes Bob into the site via a back entrance where there is no fencing. In the fading light, both fail to see the trench for the foundations of a new building and fall into it. They both suffer leg fractures. Mary, aged 50, works for *Blocks, Box and Sales*, wholesale food division. She had previously (5 years before) been involved in a car accident, which resulted in serious injuries to her left leg, and meant that her left leg was shorter than the right and she had to use a walking stick to get

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	around. One day at work, as she is crossing the floor, at the wholesale depot, a crate fell from its stack, pinned her to the ground and she suffered injuries to her back and partial amputation to her right leg, which resulted in Mary being wheelchair bound. Aamra works for *Blocks, Box and Sales*, wholesale food division on the cold meat counter. Her job was to serve and use the equipment to slice the cold meats as required by the local business customers. Abdul also worked on the same counter. One evening Aamra had cleaned the slicing machine, but was interrupted, and then forgot to put on the safety guard. The next morning, Abdul was the first to use the machine, and as the guard was not on, the machine sliced off two of his fingers on his right hand. He is right handed, and also a promising cricketer, who has just been called up to play for his county.

Task	You are required to research the UK law and use the **case scenarios** to prepare a report, suitable to advise *Blocks, Box and Sales* on the aspects of civil liability that may affect the company. The application of the UK law to these case scenarios must include all relevant decided cases and statutes to support the advice given, and demonstrate a considered and comprehensive understanding of all areas of UK law covered. **Report** Your report must use relevant case law and show your understanding of the elements of negligence required for liability. It must include: ● an evaluation of the impact that negligence liability and their consequent remedies have on businesses. ● an analysis of the negligence liability issues, and should fully cover all possible decisions and outcomes to include the potential amounts of damages, both pecuniary and non-pecuniary, applying appropriate and relevant legal precedents. ● an explanation of the key elements of the tort of negligence necessary to establish liability, and a discussion of the appropriate remedies available in the event of liability in negligence. The report must also examine the elements of vicarious and occupiers' liability in order to advise on liability and include:

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Task	● an evaluation of the impact that the current law of vicarious and occupiers' liability has on businesses. ● an analysis of the benefits of being a visitor or an employee, rather than a trespasser or independent contractor, in the event of a legal dispute. ● a discussion of the responsibilities that an occupier has for injuries or damage caused on property ● an explanation of the responsibilities that a business has for the negligent acts of an employee The report will be professional, business-like and suitable for presentation by a lawyer/adviser to a client. It will be supported with individual and original statements, examples, and comprehensive use and application of relevant precedent and statutes to demonstrate and justify your arguments and your conclusions.
Checklist of evidence required	A report. Appropriate referencing to include a bibliography and citation of all authorities used.

Criteria covered by this task:	
Unit/Criteria reference	To achieve the criteria, you must show that you are able to:
25/A.D1	Evaluate the impact that negligence liability issues and their consequent remedies have on businesses in given scenarios, applying appropriate and relevant legal precedents to justify conclusions.
25/B.D2	Evaluate the impact that the current law of vicarious and occupiers' liability has on businesses, applying appropriate and relevant legal precedents to justify conclusions.
25/A.M1	Analyse negligence liability issues and potential outcomes for individuals and businesses in given scenarios, applying appropriate and relevant legal precedents.
25/B.M2	Analyse the benefits of being a visitor or an employee, rather than a trespasser or independent contractor, in the event of a legal dispute.
25/A.P1	Explain the key elements of negligence necessary to establish liability, and apply this to case scenarios.
25/A.P2	Discuss appropriate remedies available for liability in negligence, and apply this to case scenarios.
25/B.P3	Explain the responsibilities that a business has for the negligent acts of an employee, and apply this to case scenarios.
25/B.P4	Discuss the responsibilities that an occupier has for injuries or damage caused on property, and apply this to case scenarios.

Sources of information to support you with this Assignment	Websites www.casecheck.co.uk/negligence This site lists names of decided cases in the UK www.e-resources.co.uk This site provides resources for studying law. It only contains the law relating to England and Wales. www.tutor2u.net/law

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	This site provides resources and revision materials. There are also links to other sources of information. **Books** Elliott C and Quinn F, 2015, *Tort Law,* Pearson Education Ltd. ISBN 9781292064550
Other assessment materials attached to this Assignment Brief	None